FORM NLRB-501 UNDER 44 US., 3512 FORM EXEMPT

RECEIVED JAN 20 2012 NLRB REGION 8

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

## CHARGE AGAINST EMPLOYER

DO NO	WRITE A	THOS SPAC	<b>E</b> * *	
Case		Date Filed		

INCT	-	$\sim$ TI	ONE
INST	MU.		UNG

File an original and 4 copies of this charge with NLRB Regional Director for

1. AGAINST W	VHOM CHARGE IS BROUGHT	
Name of Employer     Warren Steel Holdings LLC.		b. Number of workers employed 120
c. Address (street, city, state, ZIP code) 4000 Mahoning Avenue, Warren, Ohio 44483	d. Employer Representative Mark Trapp, Plant Manager	e. Telephone No. 330-847-0487
f. Type of Establishment (factory, mine, wholesaler, etc.) Factory	g. Identify principal product or se McIting Casting	rvice

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices, affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a . clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) 2011, the above-named Employer, through its officers, agents, and representatives, unlawfully terminated the employment of (b)(6),(b)(7)(C) in retaliation for union activities. 8 9

By the above and other acts, the above named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full EMPLOYER name of party filing charge (If labor organization, give full name, including local name and number) United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC

4a Address (street and number, city, state and ZIP code) 4b. Telephone No. Five Gateway Center Room 913 Pittsburgh, PA 15222 (412) 562-2529 Fax (412) 562-2555

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Signature of esentative or persor making charge

Sub-District Director Title

Address

Telephone No. (330) 603-0682 Fax (330-505-9198 Date January 13, 2012

United Steelworkers 950 Youngstown-Warren Rd, Niles, Ohio 44446

> WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

MAR 1 5 2012 NUMBER RECEIVED 8

FORM NURB 511

(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
IMPEDED:
Impeded-CHARGE AGAIN:ST EMPLOYER

	DO NOT WRITE	IN THIS SPACE	
Case		Date Filed	
98-C	A-072781	3/15/12	

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleg	ed unfeir labor practice occurred or is or	curring.
1. EMPLOYER AGAINST V	VHOM CHARGE IS BROUG	нт
a. Name o Employer		b. Tel. No.
Warren Steel Holdings, LLC		330-847-0487
d. Address (street, city, state, ZIP code)	e. Employer Representative	f. Fax No.
4000 Mahoring Avenue, Warren, Ohio 44483	Mark Trapp, Plant Manager	,
Anna mainer mig America, marren, other manage	mark ridpp, ridit motiager	h. Number of workers employed
i. Type of E: ablishment (factory, mine, wholeseler, (-1:.)	J. Identify principal product or service	120
factory	Melting & Casting	·
k. The above-named employer has engaged in and is engaging in unfa	if labor practices within the meaning	of section 8(a), subsections (1) and (list
subsections) 3 of the National Labor Relations Act, and these t		
the Act. 1 these unfair labor practices are unfair inactices affecting of 2. Basis of 1 e Charge (set forth a cleer and concise statement of the fair	ommerce within the meaning of the A	ct and the Postal Reorganization Act.
E. Dasis of 10 Charge (sectorified clock and concise statement of the lan	us constituting the aneged utilentiabol	practices)
On or about (b) (6), (b) (7)(C) 2011, the Employer, by	its officers, agents and rep	resentatives, discriminatorily
issued a written reprimand to employee (b) (6), (b)		
activities on behalf of United Steel, Paper and Forest		energy, Amed industrial and
Service Workers International Union, AFL-CIO, CLO	2.	
By the Acts sec. forth in the paragraph above and by other out; and conduct, it, b	y its officers, agents, and representatives.	has interfered with, restmined and coerced
and is interfering with, restmining, and coercing its employee; in the exercise of 3. Full name (I party filing charge (If labor organization, give full name, if	their rights guaranteed in Section 7 of the	said Act.
• • •	-	
United Stee: , Paper and Forestry, Rubber, Manufacturing,	Energy, Allied Industrial and S	Service Workers International
Union, AF: -CIO, CLC		
4a. Address (street and number, city, state, and ZIP civile)		4b. Tel No.
Five Gateway Center-Room 913, Pittsburgh, PA 15222	Ł	412-562-2529
_		4d, Fax No.
		412-562-2555
5. Full name di national or international labor organization of which it is a	iffliate or constituent unit (to be filled in	when charge is filed by a labor
organization) i. nited Steel, Paper and Forestry, Rubber, Manu	ifacturing, Energy, Allied Indi	istrial and Service Workers
International Union, AFL-CIO, CLC		
6. DECLARATION	i	Tel, No.
I declare that I have read the above charge and that the statemarks are true to the b	est of my knowledge and ballef,	330-603-0682
21 91 /2.00		Fax No.
71. /1 /D F F	(	330-505-9198
By Say Sub-	Pistrict Director	
(signature) ' 's' Gery G. Steinbeck	( title)	{
Aridrage: Unites Stantundrem (ISB Vermont)	. L	
Address: Unite: Steelworkers, 950 Youngstown-Warrer Rd.		e-Mail
Niles, OH 444-(-4644	(date)	[gsteinbeck@usw.org]
The second secon		

WILLFUL FALSE 1 FATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PHIVACY ACT STATEMENT

Solicitation of the into mation on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C.\$ 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigations. The roution uses for the information are fully set forth in the Federal Register, 71 & LReg. 74942.43 (Dec. 13, 2006). The NLRB will jurified explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invok: its processes.

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD REGION 8

WARREN STEEL HOLDINGS, LLC

and

CASES 08-CA-072781 08-CA-076715

UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO, CLC

## ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC, herein called the Union, has charged in Case 08-CA-072781 and Case 08-CA-076715 that Warren Steel Holdings, LLC, herein called the Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated:

These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and alleges as follows:

- 1. (A) The charge in Case 08-CA-072781 was filed by the Union on January 20, 2012, and a copy was served by mail on Respondent on January 20, 2012.
- (B) The amended charge in Case 08-CA-072781 was filed by the Union on March 15, 2012, and a copy was by mail served on the Respondent on March 16, 2012.
- (C) The charge in Case 08-CA-076715 was filed by the Union on March 15, 2012, and a copy was served by mail on the Respondent on March 16, 2012.
- 2. (A) At all material times, the Respondent, an Ohio corporation, with a facility located at 4000 Mahoning Avenue, Warren, Ohio, 44483, has been engaged in the manufacture of steel products.
- (B) Annually, the Respondent, in the course and conduct of its business operations described above in paragraph 2(A), ships and sells products valued in excess of \$50,000 directly to points located outside the State of Ohio.
- 3. At all material times the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.
- 4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.
- 5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C) -- (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) -- (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) -- (b) (6), (b) (7)(C)

- 6. At all material times during the six-month period prior to the filing of the charge in Case 08-CA-076715 and to date, the Respondent has maintained in effect "An Hourly Employee Handbook" which applies the following policies to its employees:
- (A) A provision entitled "Non-Disclosure and Confidentiality Policy" on page 7 of the Handbook states as follows:

The protection of confidential business information and trade secrets is vital to the interests and success of WSH. Such confidential information includes, but is not limited to, the following examples:

- Compensation data
- Financial information
- Confidential information such as, but not limited to, customer lists, pricing, vendors, product methods, trade secrets, or any other information vital to the interests of WSH.

Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information."

- (B) A provision on page 9 of the Handbook concerning Standards of Conduct and Disciplinary Action lists unacceptable employee conduct that may result in severe disciplinary action up to and including termination including the following conduct:
  - Leaving the company property without approval of immediate supervisor
  - Walking off the your job without supervisory approval

- (C) A provision on page 11 of the Handbook concerning Violence in the Workplace that includes as a possible violation of that policy the following conduct:
  - Causing or maintaining high levels of conflict or tension within a work unit or between co-workers
- 7. On about November 20, 2011, the Respondent, by (b) (6), (b) (7)(C) at Respondent's facility, unlawfully solicited grievances from an employee and promised to remedy those grievances in order to discourage employees from engaging in protected concerted and/or union activity.
- 8. (A) On about (b) (6), (b) (7)(C), 2011, Respondent issued a written disciplinary warning to its employee (b) (6), (b) (7)(C).
- (B) Respondent engaged in the conduct described above in paragraph 8(A) because the named employee of Respondent joined and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.
- 9. (A) On about (b) (6), (b) (7)(C) 2011, Respondent terminated its employee (b) (6), (b) (7)(C).
- (B) Respondent engaged in the conduct described above in paragraph 9(A) because the named employee of Respondent joined and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.
- 10. By the conduct described above in paragraphs 6 through 9, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

- 11. By the conduct described above in paragraphs 8 and 9, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.
- 12. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE As part of the remedy for the unfair labor practices alleged above in paragraph 9, the Acting General Counsel seeks an Order requiring that Respondent preserve and, within 14 days of a request, provide at the office designated by the Board or its agents, a copy of all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this order. If requested, the originals of such records shall be provided to the Board or its agents in the same manner.

As part of the remedy for the unfair labor practices alleged above in paragraph 9, the Acting General Counsel seeks an Order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination.

The Acting General Counsel further seeks, as part of the remedy for the allegation in paragraph 9, that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate periods.

The Acting General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be <u>received by this office on or before May 4, 2012, or postmarked on or before May 3, 2012</u>. Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at http://www.nlrb.gov, click on the E-Gov tab, select E-Filing, and then follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or nonattorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer

containing the required signature be submitted to the Regional Office by traditional

means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in

conformance with the requirements of Section 102.114 of the Board's Rules and

Regulations. The answer may <u>not</u> be filed by facsimile transmission. If no answer is filed

or if an answer is filed untimely, the Board may find, pursuant to Motion for Default

Judgment, that the allegations in the consolidated complaint are true.

**NOTICE OF HEARING** 

PLEASE TAKE NOTICE THAT on the 13th day of June 2012, at 10:00 a.m., in a

hearing room of the National Labor Relations Board, 1695 AJC Federal Office Building,

1240 East Ninth Street, Cleveland, Ohio, and on consecutive days thereafter until

concluded, a hearing will be conducted before an administrative law judge of the

National Labor Relations Board. At the hearing, Respondent and any other party to this

proceeding have the right to appear and present testimony regarding the allegations in

this consolidated complaint. The procedures to be followed at the hearing are described in

the attached Form NLRB-4668. The procedure to request a postponement of the hearing

is described in the attached Form NLRB-4338.

Dated at Cleveland, Ohio this 20<sup>th</sup> day of April 2012.

/s/ Frederick J. Calatrello

Frederick J. Calatrello

Regional Director

National Labor Relations Board

Region 8

Attachments

7

### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

#### NOTICE

Cases 08-CA-072781 & 076715

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; *and*
- (5) Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

MARK TRAPP, Plant Mgr. WARREN STEEL HOLDINGS LLC 4000 MAHONING AVE NW WARREN, OH 44483-1924 BRAD MANZOLILLO
UNITED STEEL, PAPER AND
FORESTRY RUBBER
MANUFACTURING ENERGY
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL
UNION, AFL-CIO, CLC
5 GATEWAY CTR, STE 615
PITTSBURGH, PA 15220-2529

ROBERT MIGNIN, Esq. BAKER & MCKENZIE LLP 300 E RANDOLPH ST, STE 5000 CHICAGO, IL 60601-8000 UNITED STEEL, PAPER AND FORESTRY RUBBER
MANUFACTURING ENERGY
ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO, CLC
5 GATEWAY CTR, 9<sup>TH</sup> FL
PITTSBURGH, PA 15220-2529

RYAN H. VANN, Esq. BAKER & MCKENZIE LLP 300 E RANDOLPH ST, STE 300 CHICAGO, IL 60601-8000 GARY G. STEINBECK, Sub-Dist Dir UNITED STEELWORKERS OF AMERICA, DISTRICT 1, SUBDIST 1 950 YOUNGSTOWN WARREN RD NILES, OH 44446-4644



# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 8 1240 E 9TH ST STE 1695 CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov Telephone: (216)522-3715 Fax: (216)522-2418

June 17, 2016

Robert Mignin, Esq. Baker & McKenzie LLP 300 E Randolph St Ste 5000 Chicago, IL 60601-5015

Ryan H. Vann, Esq. Baker & McKenzie LLP 300 E Randolph St Ste 5000 Chicago, IL 60601-5015

Re: Warren Steel Holdings LLC

Case 08-CA-072781

Warren Steel Holdings, LLC Case 08-CA-076715

Dear Mr. Mignin and Mr. Vann:

The above-captioned cases have been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

/s/ Allen Binstock

ALLEN BINSTOCK Regional Director

cc: Brad Manzolilo, Organizing Counsel
United Steel, Paper And Forestry Rubber
Manufacturing Energy Allied Industrial
And Service Workers International Union,
AFL-CIO, CLC
60 Boulevard of Allies
Five Gateway Center Room 807
Pittsburgh, PA 15222

Gary G. Steinbeck, Sub-District Dir. United Steelworkers Of America, District 1, SubDistrict 1 950 Youngstown Warren Rd Niles, OH 44446-4644

Mark Trapp, Plant Mgr. Warren Steel Holdings, LLC 4000 Mahoning Ave NW Warren, OH 44483-1924

United Steel, Paper And Forestry, Rubber Manufacturing, Energy, Allied Industrial And Service Workers International Union, AFL-CIO, CLC 5 Parkway Ctr Rm 913 Pittsburgh, PA 15220-3608 FORM NLRB-501 (2-08)

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

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Case	-			T	Date File	d
	titleri Orloco				3/19/	12

INSTRUCTIONS:  File an original with NLRB Regional Director for the region in which the alleg	red unfair labor practice occurred or is o	occurring.
	WHOM CHARGE IS BROUG	
a. Name of Employer		b. Tel. No.
Warren Steel Holdings, LLC		330-847-0487
d. Address (street, city, state, ZIP code)	e. Employer Representative	f. Fax No.
4000 Mahoning Avenue, Warren, Ohio 44483	Mark Trapp, Plant Manager	h. Number of workers employed 120
i. Type of Establishment (factory, mine, wholesaler, etc.) factory	j. Identify principal product or servi Melting & Casting	ce
K. The above-named employer has engaged in and is engaging in unformation subsections) of the National Labor Relations Act, and these unformation Act, or these unfair labor practices are unfair practices affecting community.  2. Basis of the Charge (set forth a clear and concise statement of the factors.)	air labor practices within the meaning fair labor practices are practices affect merce within the meaning of the Act	ting commerce within the meaning of the and the Postal Reorganization Act.
Since on or about November 20, 2011, the Employer, the with, restrained, and coerced, and is interfering with, restrained, and coerced, and coerced	hrough its officers, agents, an straining, and coercing emploion, to form, join or assist g, and to engage in other conce	d representatives, has interfered byees of Warren Steel Holdings, labor organizations, to bargain erted activities for the purpose of
On or about November 20, 2011, the Employer's (b) (6), employee and promised to remedy those grievances.	(b) (7)(C) , unlawfe	ally solicited grievances from an
During the six-month period proceeding the filing of handbook overly broad work rules and policies that interrights to engage in protected concerted activity, including and/or prohibits employees from discussing their wages from leaving the company property or walking off their employees from "causing or maintaining high levels of company property or walking off their employees from the property of the levels of company property or walking off their employees from the property of the levels of company property or walking off their employees from the property of the levels of company property or walking off their employees from the property of the levels of company property or walking off their employees from the levels of company property or walking off their employees from the levels of company property or walking off their employees from the levels of company property or walking off their employees from the levels of company property or walking off their employees from the levels of company property or walking off their employees from the levels of company property or walking off their employees from the levels of company property or walking off their employees from the levels of company property or walking off their employees from the levels of company property or walking off their employees from the levels of the levels	fere with employees' Section g: (1) a non-disclosure and co and working conditions; (2) ir job without supervisory ap onflict or tension within a work	7 rights and restrict employees' onfidentiality policy that restricts a rule that prohibits employees proval; (3) a rule that prohibits a unit or between co-workers."
By the Acts set forth in the paragraph above and by other acts and conduct, it, it and is interfering with, restraining, and coercing its employees in the exercise of 3. Full name of party filing charge (if labor organization, give full name, it	f their rights guaranteed in Section 7 of the	
United Steel, Paper and Forestry, Rubber, Manufacturing, Union, AFL-CIO, ClC		Service Workers International
4a. Address (street and number, city, state, and ZIP code)		4b. Tel No
Five Gateway Center-Room 913, Pittsburgh, PA 15222		412-562-2529 4d. Fax No.
5. Full name of national or international labor organization of which it is	affiliate or constituent unit (to be filled	412-562-2555 CO
organization) United Steel, Paper and Forestry, Rubber, Man	•	
International Union, AFL-CIO, CIC		4, man
6. DECLARATION I declare that I have read the above charge and that the statements are true to the	best of my knowledge and belief.	Tel. No. 330-603-0682
91 1 /t. 1	-District Director ( title)	Fax No. 330-505-9198
Address: United Steelworkers, 950 Youngstown-Warren Rd. Niles, OH 44446-4644	3/15/12 (date)	e-Mail [gsteinbeck@usw.org]

1240 E 9TH ST STE 1695 CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov Telephone: (216)522-3715 Fax: (216)522-2418

March 22, 2012

MARK TRAPP, Plant Mgr. WARREN STEEL HOLDINGS LLC 4000 MAHONING AVE NW WARREN, OH 44483-1924

Re: Warren Steel Holdings, LLC

Case 08-CA-076808

Dear Mr. Trapp:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

FREDERICK J. CALATRELLO Regional Director

#### FJC/sz

ce: GARY G. STEINBECK, Sub-District Dir. UNITED STEELWORKERS OF AMERICA, DISTRICT 1, SUBDISTRICT 1 950 YOUNGSTOWN WARREN RD NILES, OH 44446-4644

UNITED STEEL, PAPER &
FORESTRY, RUBBER,
MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL & SERVICE
WORKERS INTERNATIONAL UNION
5 PARKWAY CTR
STE 807
PITTSBURGH, PA 15220-3608

INTERNET FORM NLRB-602 (2-08)

## UNITED STATES GOVERNMENT NATIONAL LABOR FELATIONS BOARD

2162925720

	FORM EXEMPT UNDER 44 U.S
DC	NOT WRITE IN THIS SPACE
Case No.	Date Filed
	10/18/12

INSTRUCTION: Submit an original of this Petition to the INLRB Regional Office in the Region in which the employer concerned is located.  The Petitioner all a jet that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.  PURPOSE OF HIS PETITION (If box RC, RM, or RD is check to and a charge under Section 8(b)(?) of the Act has been filed involving the Employer named herein, the statement folion ling the description of the type of petition shall rich be deemed meda.) (Check One)  RC-CERT IFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bergaining by Petitioner	
1 PURPOSE OF HIS PETITION (If box RC, RM, or RD is check it) and a charge under Section 8(b)(7) of the Act has been filled involving the Employer named herein, to statement foliouring the description of the type of petition shall unclude the description of the type of petition shall unclude the description of the type of petition shall unclude the description of the type of petition shall unclude the description of the type of petitions and the description of the type of petitions. The description of the type of petitions are the description of the type of petitions and the description of the type of petitions.	
statement folion ling the description of the type of petition shall rict be deemed mede.) (Check One)  RC-CEFT I FICATION OF REPRESENTATIVE - A substrict in number of employees wish to be represented for purposes of collective bargaining by Petitioner	
/   RC-CERT FICATION OF REPRESENTATIVE - A substitutal number of employees wish to be represented for purposes of collective barraining by Pethloner	
Petitioner desires to be certified as representative of the imployees,	and
RM-REFF ESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the represent tive of employees of Petitioner	
RD-DEC : RTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargate representative is no longer their representative.	Ining
DO-WITH IRAWAL OF UNION SHOP AUTHORITY (RE MOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargelining	unit
covered year agreement between their employer and a labor organization desire that such authority be rescinded.  UC-UNITE LARIFICATION- A labor organization is currently recognized by Employer, but Petitioner seeks, clarification of placement of certain employees	
(Check o1 ) In unit not previously certified. In unit previously certified in Case No.  AC-AMEN DMENT OF CERTIFICATION. Petitioner seek: amondment of certification issued in Case No.	
Attach at a ement describing the specific amendment soup it t	
2. Name of Employer Representative to contact Tel. No.  Warren Steel Holdings, LLC Mark Trapp, Plant Manager 330-847-0487	
3. Address(es) of : stablishment(s) involved (Street and number, c.t.; State, ZIP code)  Fex No.	
4000 Mahoning A renue, Warren, OH 44483	
4a Type of Establishment (Factory, mine, wholesaler, etc.)  4b. Identify principal product or service  Cell No.	
Factory Melting and Casting e-Mell	
5 Unit Involved (In VC petition, describe present thirpening unit and attach description of proposed clarification.)  Ba. Number of Employees in Unit	l:
All full time and net ular part time production and maintenance employees at the employees Warren, OH facility.	
Proposed (By UC/AC)	
All other employers, including office and clerical, security guards, supervisors and professional employees as defined by the	
Act. 6b is this perition supported by 30% or employees in the unit? 7 Yes	
(If you have checks 1 box RC in 1 above, check and complete ETTI (I:R Item 7a or 7b, whichever is applicable)  Not applicable in RM, UC, and AC	
74. Request for recognition as Bargaining Representative will made on (Date) NB 10-18-12 and Employer decline recognition on or about (Date) (If no reply received, so state)	,
7b. Petition 9 is currently recognized as Bergaining Representative and desires certification under the Act.	
8 Name of Recognited or Certified Bargaining Agent (If none, so strite.)  N/A  Affiliation	
Address / Tabo Date of Recognition or Cortification	
Address  Tello JED  Date of Recognition or Cortification  Fax No.   e-Mail	
FE 2012	
9 Expiration Date 3 Current Confract, if any (Month, Day, Year) 10, if you have chacked by the chacked of the contract of the chacked of the	
11a. (a there now to thinke or picketting at the Employer's ostablishm int(a)  Involved in Yes No	
11c The Employer I as been picketed by or on behalf of (Insert Nat >1)	a labor
organization, of (I sert Address) Since (Month, Day, Year)	
12. Organizations a individuals other than Petitioner (and other than those named in floms 8 and 11c), which have claimed recognition as representatives and other organizationals known to have a representative interest in any emphysics in unit described in flom 5 above. (If none, so state)	izetions
Name Address Tal No Fax No	
Celi No. e-Mell	
13 Full name of per v filing petition (if lebor organization, give full n line, including local name and number) United Steel, Papu & Forestry, Rubber, Manufacturing, Energy / Illied Industrial and Service Workers International Union, AFL-CIO, CLC	
148. Address (street and number, city, state, and ZIP code)  14b. Tel. No. EXT 330-603-0682  25111 Miles Road, Suite H	
25111 Miles Road, Suite H	
Warrensville Heigh 9, OH 44128-5419  15 Full name of no i hal or international labor organization of which fretitioner is an effiliate or constituent (to be filled in when petition is filed by a labor organization).	
United Steel, Pap v and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC	
I declare that I have read the above petition and that the stater units are true to the best of my knowledge and belief.  Name (Print)    Signature   Title (d any)	
Signature Signature Sub-District Director	
Address (street end rumber, city, state, and ZIP code)  25111 Miles Road Suite H  Coll Ma. Service and ZIP code)  Tel. No 330-603-0682 Fax No 216-292-5720  Service Address (Street end rumber, city, state, and ZIP code)	

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Fe alions Board (NLRB) in processing unfair labor practice and related proceedings or intigation. The routine uses for the information are fully set forth in the Federal Register 11 Fed. Reg. 74942-43 (Oec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to discline to invoke its processes.

1240 E 9TH ST STE 1695 CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov Telephone: (216)522-3715

Fax: (216)522-2418

November 9, 2012

Ryan H. Vann, Esq. Baker & Mckenzie LLP 300 E Randolph St, Suite 300 Chicago, IL 60601-5014

> Re: WARREN STEEL HOLDINGS, LLC

> > Case 08-RC-091576

Dear Mr. Vann:

This is to advise you that the Petitioner's request to withdraw the petition in the above case has been approved.

Very truly yours,

Frederick J. Calatrello

Predictof Calatrello

Regional Director

FJC:cj

Mark Trapp, Plant Mgr. cc: Warren Steel Holdings LLC 4000 Mahoning Ave NW Warren, OH 44483-1924

> Gary G. Steinbeck, Sub-Dist Dir United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC 25111 Miles Rd, Suite H Warrensville Heights, OH 44128-5419

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER DO NOT WRITE IN THIS SPACE
Case Date Filed

08-CA-146522 2/18/15

INSTRUCTIONS:		00 03 1465		
		08-CA-1465	2/18/15	
File an original of this charge with NLRB Regional	Director in which the alleged unfair labor	or practice occurred or o	в оссития	
	EMPLOYER AGAINST WHOM CHARG			
a Name of Employer WARREN STEEL HOLDINGS LLC		b Tel N	10 1847-0487	
WARREN STEEL HOLDINGS LEC		c Cell N		
			FC 40 2000 10 1000 10	
d Address (street, city, state ZIP code)	e Employer Representative	f Fax N	)	9
4000 Mahoning Ave NW, Warren,	MARK TRAPP,			
OH 44483-1924	Plant Manager	g e-Ma		
	ł	h Ospu	(e Location (City and State)	
			en, OH	
Type of Establishment (factory, nursing home,	J Principal Product or Service		er of workers at dispute location	on
hatel)	16 18 1 C	120		
Factory	Melting and Casting			
! The above-named employer has engaged in and National Labor Relations Act, and these unfair lab	) is engaging in unfait labor practices wi	thin the meaning of sec	tion 8(a), subsections (1)(3) of	ine bor
practices are unfair practices affecting commerce				
2 Basis of the Charge (set forth a clear and conta	se statement of the facts constituting the	alleged unfair labor pr	actices)	
or not be			فالماء المستقدمين بالمقاد مساخ	
Since on or about February 21, 2015 . it, the and is interfering with, restraining, and coer	rough its officers, agents, and repre	of their rights to calf	rered with, restrained, and	coerceo,
labor organizations, to bargain collectively th	rough representatives of their nwn	choosing, and to en	rage in other concerted act	ivities for
the purpose of collective bargaining or other	er inutual aid or protection, or to	refrain from any or	all such activities, which a	rights are
guaranteed in Section 7 of the said Act.		-		
			6 222 1 1 1 17 7	
On or about, it, by its officers, agents, a organization, and at all times since such date	nd representatives, discriminated	against, , because (	activities in behalf of	, a labor
organization, and at an times since such date	it has retused and ooes now retuse	to employ the above	manieu employee.	
More specifically, the Employer violated the	settlement agreement reached in Oi	3-CA-072781.		
By the acts set forth in the paragraphs above				
with restrained and coerced and is interferi	ng with, restraining and coercing it	s employees in the e	xercise of their rights guar	anteed in
Section 7 of the said Act.				
3 Full name of party filing charge (if labor organiza	otens and full same and disc local ass	in and numbed		
(b) (6), (b) (7)(C)	allon, give for hame, including local ham	e and nomber		
4a Address (street and number, city, state, and Zi	P code) a 9 10 11	2 4b Tel	No	
(b) (6), (b) (7)(C)	61° A	74		
	<u> </u>	4c Cell	), (b) (7)(C)	
	/∿/ BECEIV	ED 4d Fax		
	550 10 0			
	FEB 1 8 20	10 4e e-M	(h) (7)(0)	
5 Full come of extension international labor cons	NI HR	(D)	o), (b) (/)(C)	
5 Full name of national or international labor organization) 6 DECLARATION	mazation of which it is an armale of cons	intern unit to de imea i	if whell charge is then by a lab	O'
i declare toroxoluse readioxorusove charge a	nd that the statements are true to the	best of		
By(b) (6), (b) (1)		Office if	any, Cell No	
$B_{y}(D)$ (O), (D) (1)(C)	(b) (6), (b) (7)(C)		, (b) (7)(C)	
	harge) Print Name and Title	Fax No		
		1		
Address (b) (6), (b) (7)(C)	Date 02/18/15	e-Mau	C) (b) (7)(0)	
(b) (6), (b) (7)(C)	102/18/15	(a)	6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN HE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully

Form NLRB - 501 (2-08)

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

# FIRST AMENDED CHARGE AGAINST EMPLOYER INSTRUCTIONS:

DO NOT WRITE	IN THIS SPACE
Case	Date Filed
08-CA-146522	3/10/15

	Director in which the alleged unfair labor practice of	any mode of in consultring
1 E		curred of is occurring.
	MPLOYER AGAINST WHOM CHARGE IS BROU	GHT
a. Name of Employer		b Tel No
WARREN STEEL HOLDINGS LLC		(330)847-0487
WARRENGTEEL HOLDINGS LLC		<u> </u>
		c Cell No.
d. Address (stroot, city, state ZIP code)	c Employer Representative	f. Fax No.
4000 Mahoning Ave NW, Warren,	MARK TRAPP	
OH 44483-1924	100 4412 110 11	g e-Mail
UR 44403-1924		, g =-wai
		h. Dispute Location (City and State)
		Warren, OH
<ol> <li>Type of Establishment (factory, nursing home,</li> </ol>	Principal Product or Service	k. Number of workers at dispute location
hotel)		120
Factory	Melting and Casting	
I. The above-named employer has engaged in and		aning of section 8(s), subsections (1) and (1) of
the National Labor Relations Act, and these unfair is	abor practices are practices affecting continuous w	ithin the meaning of the Act, or there surfair
labor programs are unfair programs effecting comme	and justices are practices affecting commerce w	Peorganization Act
labor practices are unfair practices affecting comme		
2. Basis of the Charge (set forth a clear and co		
Since on or about $(b) (6)$ , $(b) (7)(C)$ 2014, it, thr	ough its officers, agents, and representatives	s, has interfered with, restrained, and coerced,
and is interfering with, restraining, and coerci	ing employees of , in the exercise of their rig	hts to self-organization, to form, join or assist
labor organizations, to bargain collectively the	rough representatives of their own choosing	and to engage in other concerted activities for
the auroce of collection becomining or other	remutual aid as anotation on to referie from	m any or all such activities, which rights are
the purpose of confective parganting or other	matual and of protection, of to ferrain my	in any or an such activities, which rights are
guaranteed in Section 7 of the said Act.		
On or about (b) (6), (b) (7)(C) 2014 and continue	ously thereafter, it, by its officers, agents, an	d representatives, discriminated against (1916) (1917)
(b)(0)(0)(7)(0), because of activities in behalf of	United Steel Paper and Forestry Rubber.	Manufacturing, Energy, Allied Industrial and
Service Workers International Hoisen Ald -C	IO CLC a labor organization. More spec	ifically, the Employer violated the settlement
nemocrate reached in a C CA arms 9. ha near	AO, OLC, a labor organization. More speci	
agreement reaction in the CA-0/2/61, by prov	dding a garatius fire J fi-1 i-fi at	(b) (6), (b) (7)(C)
(0) (6) (0)	iding a negative reference and false informat	tion concerning (b) (6), (b) (7)(c) permanently leaving
position at the Employer's facility.	iding a negative reference and false informat	tion concerning (6) (6) (6) (7)(6) permanently leaving
position at the Employer's facility.		cion concerning (1976) permanently leaving
bosition at the Employer's facility.  By the acts set forth in the paragraphs above,	and by other acts and conduct, it, by its office	tion concerning both of the permanently leaving cors, agents and representatives, has interfered
bosition at the Employer's facility.  By the acts set forth in the paragraphs above,	and by other acts and conduct, it, by its office	tion concerning both of the permanently leaving cors, agents and representatives, has interfered
bosition at the Employer's facility.  By the acts set forth in the paragraphs above, with, restrained and coerced and is interfering	and by other acts and conduct, it, by its office	cion concerning (1976) permanently leaving
bosition at the Employer's facility.  By the acts set forth in the paragraphs above, with, restrained and coerced and is interfering Section 7 of the said Act.	and by other acts and conduct, it, by its office g with, restraining and cocreing its employe	tion concerning between permanently leaving ters, agents and representatives, has interfered as in the exercise of their rights guaranteed in
By the acts set forth in the paragraphs above, with, restrained and coerced and is interfering Section 7 of the said Act.  3 Full name of party filing charge (if labor organization)	and by other acts and conduct, it, by its office g with, restraining and cocreing its employe	tion concerning between permanently leaving ters, agents and representatives, has interfered as in the exercise of their rights guaranteed in
By the acts set forth in the paragraphs above, with, restrained and coerced and is interfering Section 7 of the said Act.  3 Full name of party filing charge (if labor organization) (b), (b), (7)(C)	and by other acts and conduct, it, by its office with, restraining and coercing its employed tion, give full name, including local name and number of the contract of the cont	cers, agents and representatives, has interfered es in the exercise of their rights guaranteed in
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bosition at the Employer's facility.  By the acts set forth in the paragraphs above, with, restrained and coerced and is interfering Section 7 of the said Act.  3 Full name of party filing charge (if labor organization)  4a. Address (street and number, city, state, and ZIP)  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization  6 DECLARATION  1 declaration  1 declaration  By (D) (6), (D) (7)(C)  (signature or representative or person making characters.)  (signature or representative or person making characters.)	and by other acts and conduct, it, by its office g with, restraining and cocrcing its employed tion, give full name, including local name and number code)  (AR 0 2015)  (AR 0 2015)  (AR 1 2015)  (AR 1 2015)  (AR 2015)  (AR 2015)	tion concerning between the concerning between the exercise of their rights guaranteed in the exercise of the exer
bosition at the Employer's facility.  By the acts set forth in the paragraphs above, with, restrained and coerced and is interfering Section 7 of the said Act.  Full name of party filing charge (if labor organization)  (b) (6), (b) (7)(C)  4a. Address (street and number, city, state, and ZIP)  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization  6. DECLARATION  1. declaration 1 have read the above charge and the said of the said	and by other acts and conduct, it, by its office graining and cocreing its employed from give full name, including local name and number code)  AR 0 2015  Exation of which it is an affiliate or constituent unit (and that the statements are true to the best of the local name and Trile  Print Name and Trile	tion concerning between the concerning between the exercise of their rights guaranteed in the exercise of their rights guaranteed in the concerning depth of their rights guaranteed in the exercise of their rights guaranteed in the exercise of their rights guaranteed in the feet of the concerning depth of the feet of the feet of the exercise of their rights guaranteed in the feet of the f

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or lingation. The routine uses for the information are fully

1240 E 9TH ST STE 1695 CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov Telephone: (216)522-3715

Fax: (216)522-2418

October 27, 2015

RYAN H. VANN, ATTORNEY **BAKER & MCKENZIE LLP** 300 E. RANDOLPH ST SUITE 5000 CHICAGO, IL 60601-5015

MATTHEW BROWN, ATTORNEY **BAKER & MCKENZIE LLP** 300 E. RANDOLPH ST SUITE 5000 CHICAGO, IL 60601-5015

> Re: Warren Steel Holdings LLC Case 08-CA-146522

#### Gentlemen:

The Charging Party has asked to withdraw the above charge based upon a private agreement between the parties. I have approved this request, conditioned on the performance of the undertakings in that private agreement.

The charge is subject to reinstatement for further processing if the Charging Party requests reinstatement and supports its request with evidence of non-compliance with the undertakings in the private agreement.

Very truly yours,

/s/Allen Binstock

ALLEN BINSTOCK Regional Director

AB/dlc

MARK TRAPP, PLANT MGR. cc: WARREN STEEL HOLDINGS, LLC 4000 MAHONING AVE NW WARREN, OH 44483-1924

USW

PAGE 01

INTERNET FORM NLRR-502 (2-08)

## UNITED STATES GOVERNMENT NATIONAL LABOR RIELATIONS BOARD

FORM EXEMPT UNDER 44 U S.C. DO NOT WRITE IN THIS SPACE Date-Filed /15 Case No.

1.02000	PETIT	KON		08-RC-	147440	_ \ ~	3/ 3/ 13
INSTRUCTIONS:	Submit an original of this Petition to the	NLRB Regional Offi	ce in the Reglo	n in which	the employer	concerned	l is located.
The Petitioner alleg	as that the following circumstances exist and	requests that the NL	RB proceed und	er its prope	r authority purs	uant to Sec	tion 9 of the NLRA.
The Petitioner alice  1 PURPOSE OF T statement follows  RC-CERTI Petitioner RM-REPR RD-DECIE represents UD-WITHE COVERED IN (Check on AC-AMEN Affach strict 2. Name of Employ Warren Steel 3. Address(es) of E 4000 Mahoning A	se that the following circumstances exist and the FETTION (if box RC, RM, or RD is checking the description of the type of petition shall regard to be certified as representative. A substance of the control of the co	requests that the NL d and a charge under the deemed made.) It is number of employ a ployoes, in more individuals or TVE) - A substantial of the companization desirely recognized by Employer Representation of certific in the companization desirely reviously certified in the companization desirely recognized by Employer Representation of the certific in the companization of certific in the companization of certific in the certi	RB proceed und Section B(b)(7) of (Check One) rees wish to be r labor organization number of emplo on TO PAY DUE on that such autho ployer, but Petition of in Case No. ation issued in Ca	er its prope fine Act has appresented as have pres ayeas asser ayeas asser	r authority purs been filed Invol for purposes of sented a claim to t that the certifi percent (30%) or ided. Isofficiation of pla	vant to Sec ving the Err collective b Petitioner t and or curve more of err coment of c	tion 9 of the NLRA, uplayer named herein, the engaining by Petitioner and to be recognized as the entity recognized bargaining uplayers in a bargaining unit
Factory	an pas es 19	5.	Steel Producing	ľ		e-Mell	
5. Unit Involved (in	/C potition, describe present bergaining unit a	n'i attach description o		. 700	<u> </u>	8a Num	ber of Employees in Unit:
Included All Production and Excluded	Included All Production and Maintenance Employees  Excluded All office, clerical, confidential and professional employees and guards and supervisors as defined by the Act.					mately 150 I (By UC/AC) Detiling supported by 30% or more of the	
(If you have checks	1 box RC in 1 above, check and complete EITI	IL:R item 7e or 7b, whi	chever is applicat	ble)	- 89.9	*Not epolic	in the unit? Yes No able in RM, UC, and AC
76 Petitions	in on or about (Date) No Reply Is currently recognized as Bargaining Represe zed or Certified Bargaining Agent (If none, so a	ntative and desires ce	\\ \\		Affiliation  Date of Reco	gnition or C	ertification e-Me/l
9. Expiration Date 3	Current Contract. If any (Month, Day, Year)	10. If you	have checked be		100		f execution of
11a (a tham now a	strike or picketing at the Employer's establishing		nt granting union :				rinatina?
11c, The Employer I organization, of //	es been picketed by or on behalf of (Insert Ne	n) those named in Item	s 6 end 11c), whi	ch have clai	Since (Month, D	ву, Ye <i>ər</i> ) _	, a labor
	Name	Address		Tel	No.		Fax No.
*					II No.		e-Mail
	y filing petition (If labor organization, give full n & Forestry, Rubber, Manufacturing, Energy	10 No.			al Linion		
	and number, city, state, and ZIP code)	Trilled Troubtrial and	OCIVICA WORKERS	14b. Tel. No	, EXT	14c, F9:	Na. 292-5720
25111 Miles Roac			18	216-292			
	elg 1 9, OH 44128 14d. Cell No. 14e. e-Mail pgall-spher@usw.org 216-287-1664						
	and or internetional lebor organization of which & Forestry, Rubber, Manufacturing, Energy					filed by a li	abor organization)
I declare that I have	reed the above petition and that the states	unts are true to the	best of my know	redge and	bellef.		
Name (Pnnt) Patrick Gallagher		Signatur		SU	lan	litte <i>(d erry)</i> Sub-Distric	
	nd r ymber, city, sfele, and ZIP code)  Tel No. 216 202 6683  Fer No. 216 202 6736						
Warrensville Heigh	S, OH 44128  FALSE STATEMENTS ON THIS PETITION	V CAN BE Culture		216-287-	1004	755127411	18 SECTION 40041

Solicitation of the info mation on this form is authorized by the Na k-nal Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair k-tor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register. '1 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decime to invoke its processes.

FORM NLRB-760 (7-10)

# UNITED STATES OF AMERICA (NATIONAL LABOR RELATIONS BOARD

Date Filed

			Case No. 08-RC-147440	Mar 3, 2015
WARREN	STEEL HOLDI	NGS, LLC	Date Issued 04/14/2015	
	and	Employer		State OHIO
	STEEL, PAPER	& FORESTRY, RUBBER,	Type of Election: (Check one:)	(If applicable check either or both:)
		ERGY ALLIED INDUSTRIAL & ERNATIONAL UNION	Stipulation	8(b) (7)
		Petitioner	Board Direction	Mail Ballot
			Consent Agreement	1
			RD Direction Incumbent Union (Code)	
		TALLY O	F BALLOTS	
in the a		ed agent of the Regional Director certificoncluded on the date indicated above,	lies that the results of tabulation of ballots ca were as follows:	se in the election held
Approxi	imate number of el	igible voters	/5°C	3
2. Numbe	r of Void ballots			
3. Numbe	r of Votes cast for	UNITED STEEL, PAPER & FORES' ENERGY ALLIED INDUSTRIAL & INTERNATIONAL UNION	TRY, RUBBER, MANUFACTURING,	77
4. Numbe	r of Votes cast for			xxxxxxxxx
5. Numbe	r of Votes cast for			xxxxxxxxx
6. Numbe	r of Votes cast aga			1 /
	r of challenged ball	1-4-		a
9. Numbe	r of Valid votes cou	inted plus challenged ballots (sum of 7 and 8	3)	134
10. Challen	nges are (not) suffic	cient in number to affect the results of the ele-	united steel, pape	FR & FORESTRV
-	-	es counted plus challenged ballots (Item 9) ha CTURING, ENERGY ALLIED INDUS	as (not) been cast for STRIAL & SERVICE WORKERS INTERN	·
		For the Regional D	Director ( )	
counting	and tabulating w	d as authorized observers in the counting as authorized observers in the counting as authorized acknowledge service of this tally.	ng and tabulating of ballots indicated above e secrecy of the ballots was maintained, and	. We hereby certify that the d that the results were as
For W	ARREN STEEL	HOLDINGS, LLC	(	
For U	NITED STEEL,	PAPER & FORESTRY, RUBBER, MA	ANUFACTURING, ENERGY ALLIED INI	DUSTRIAL & SERVICE
w	ORKERS INTE	RNATIONAL UNION Jake	l Islan	
Eor				

## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 8

### WARREN STEEL HOLDINGS, LLC

**Employer** 

and

UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY ALLIED INDUSTRIAL & SERVICE WORKERS INTERNATIONAL UNION Case 08-RC-147440

**Petitioner** 

**TYPE OF ELECTION: STIPULATED** 

#### **CERTIFICATION OF REPRESENTATIVE**

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for

## UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY ALLIED INDUSTRIAL & SERVICE WORKERS INTERNATIONAL UNION

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.

**Unit**: All full-time and regular part-time production and maintenance employees employed by the Employer at its 4000 Mahoning Avenue NW, Warren, Ohio but excluding all confidential employees, office clerical employees, professional employees, guards and supervisors as defined in the Act.

RELANDING BO

April 23, 2015

ALLEN BINSTOCK

Regional Director, Region 8
National Labor Relations Board

allen Binstock

#### NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances, an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

<sup>1</sup> Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

FORM N. 3-502 (2-00)

## UNITED STATES FOVERNMENT NATIONAL LABOR RELATIONS BOARD

	FORM EXEMPT UNDER 44 U S C			
DO NOT WRITE IN THIS SPACE				
Caro No. Onte Feed				

	P	'ETIIII'JN		L			
INSTRUCTIONS	Submit an original of this Petition t	to the NLRB Regional Office	e in the Regio	n in which	the employer	concerned	is located.
The Petitioner aller	The Petitioner aling es that the following circumstances exist an ill requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.						
1. PURPOSE OF 1 HIS PETITION (If box RC, RM, or RD is checker, and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall no be deemed made.) (Chack One)  RC-CERT FICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and							
Petitionor	lesires to be certified as representative of ESENTATION (EMPLOYER PETITION) tive of employees of Petitioner.		aber organization	ns have pres	ented a claim to	Petitioner t	o be recognized as the
RD-DEC!	REPRESENTATION (REMOVAL OF REPRESE	ENTATIVE) - A substantial n	umber of emplo	уесь вавел	t that the certif	led or curre	ently recognized bargaining
UD-WITH	tive is no longer their representative. RAWAL OF UNION SHOP AUTHORIT	Y (RE)#3VAL OF OBLIGATION				r more of en	nployees in a bargeining unit
	en agreement between their employer a :LARIFICATION- A labor organization is	-				coment of c	ertuin employees
	i) In unit not previously certified,	_ ' ' '	•	El Jecks C	iarinaanoir or pa	ozmeni bi c	erisi arpojicos,
	DMENT OF CERTIFICATION- Petitioner  ment describing the specific emendmen		ation lasued in Ce	se No			
2. Name of Employ		Imployer Representet	ive to contact			Tal. No.	
Warren Steel		John Scheel					47-0487
	stabilishment(s) involved (Street and num	nber, c r); State, ZIP code)			•	Fax No.	
4000 Mahoning A	renue, Warren, OH 44483					330-8	47-9130
48. Type of Establi	hment (Factory, mine, wholeseler, etc.)		1b. Identify princi	pel product	or service	Cell No.	
Factory			Steel Producing	ī		e-Mail	
5. Unit Involved (In	UC petition, describe present bargeining	unit en i ettech description of	proposed clarific	ation )		6s. Numi	ber of Employees in Unit;
Included	Maintenance Employees	-				Present	
All / Toolston and	Misminstrative Chiproyees						nately 150
Excluded				40		Proposed	(By UC/AC)
All bride, derical.	onfidential and professional employee	is and guards and supervisor	is as defined by	ING ACL.		6b. 13 lhis p	settlian supported by 30% or more of the
(If you have check)	d box RC in 1 above, check and complete	to EtT) 0:R llom 7s or 7h which	tiever is engine	160)		employees	In the unit?" [] Yes [] No able in RM, UC, and AC
<u> </u>	for recognition as Bargelning Represents			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		NO applica	and Employer declined
recognit	in on or about (Date) No Reply	- 8 9 illinors	ply received, so				
7b. Potitions is currently recognized as Bargaining Representative and dealines cartification under the Act.							
8 Name of Recognized or Certified Bargelining Agent (If none, so thite.) None Affiliation							
Address							
,		- MAR - 9 201			Fax No.	•	o-Mail
1		17 -115	Cell No.				
9. Expiration Date ::	Current Contract, If any (Month, Day, Yo		have checked bo	x UD in 1 a	bove, show hen	the date of	execution of
agreement greating union shop (Month, Day and Year)  11b, is there now a 4fike or picketing at the Employer's establishm sit(s)  11bClf so, approximately how many employees are participating?							
(nvolved)		bilshm is it(s)	1b.Clf so, approx	mately how	many employe	as ara panto	ipating?
11c. The Employer	as been picketed by or on behalf of (Inst	ed Norna)					, e lebor
organization, of //	Isert Address)				Since (Month, D	ay, Year) _	
12. Organizations a individuals other than Petitioner (and other than in those named in items 6 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any arrol need in item 5 above. (If none, so state)							
	Name	Address			No.	<del></del>	Fex No.
				Ce	li No.		e-Mall
13. Full name of per y filing petition (if lebor organization, give full name, including local name and number) United Steel, Pape & Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union							
				latera-ti	al Linian		
	& Forestry, Rubber, Manufacturing, E		Service Workers			lide Far	No
25111 Miles Road	& Forestry, Rubber, Manufacturing, E and number, city, state, and ZIP code)		Service Workers	14b. Tel. No 216-292	EXT -5683		292-5720
· ·	& Forestry, Rubber, Manufacturing, E and number, city, state, and ZIP code) Suite H		Service Workers	14b. Tel. No 216-292 14d. Cell No	EXT 2-5683	216-2	No. 292-5720 Mail pgallagher@usw.org
25111 Miles Road Warrensville Heigh 15. Full name of net	& Forestry, Rubber, Manufacturing, E and number, city, state, and ZIP code) Suite H s, OH 44128 anal or International labor organization of	nergy / Ultied Industrial and S	Service Workers	14b. Tel. No 216-292 14d. Cell No 216-287 o be filled in	-5683 7-1664 when petition is	216-2 14e. el	292-5720 Mail pgallagher@usw.org
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25111 Miles Road Warrensville Heigh 15. Full name of net United Steel, Pape I doctare that I hav Name (Print) Patrick Gallagher	& Forestry, Rubber, Manufacturing, E and number, city, state, and ZIP code; Suite H s, OH 44128 mail or international labor organization of & Forestry, Rubber, Manufacturing, E read the above polition and that the	nergy / Ulied Industrial and S  f which i fertioner is an effilient Energy , Willied Industrial and S  stater with are true to the J  Signature	Service Workers or constituent (to Service Workers best of my know	14b. Tel. No 216-292 14d. Cell No 216-287 o bo filled in Internation	2-5683 7-1664 when petition and Union	216-2 14e. el	292-5720 Mail pgallagher@usw.org
25111 Miles Road Warrensville Heigh 15. Full name of net United Steel, Pape I doctare that I have Name (Print) Patrick Gallagher Address (street and	& Forestry, Rubber, Manufacturing, E and number, city, state, and ZIP code) Suite H s, OH 44128 mail or International labor organization of & Forestry, Rubber, Manufacturing, E reed the above potition and that the number, city, state, and ZIP code)	nergy / Ulied Industrial and S  f which i fertioner is an effilient Energy , Willied Industrial and S  stater with are true to the J  Signature	e or constituent (t Service Workers best of my know	14b. Tel. No 216-292 14d. Cell No 216-287 o bo filled in Internation	FXT 2-5683 7-1664 when petition and Union ballet.	216-2 146. e-l sified by a la Title (if eny) Sub-Distric Fax No. 21	292-5720 Mail pgallagher@usw.org peor organization)  d Director 16-292-5720
25111 Miles Road Warrensville Heigh 15. Full name of net United Steel, Pape I doctare that I hav Name (Print) Patrick Gallagher	& Forestry, Rubber, Manufacturing, E and number, city, state, and ZIP code) Suite H s, OH 44128 mail or International labor organization of & Forestry, Rubber, Manufacturing, E read the above polition and that the number, city, state, and ZIP code) Suite H	nergy / Ulied Industrial and S  f which i fertioner is an effilient Energy , Willied Industrial and S  stater with are true to the J  Signature	e or constituent (t Service Workers best of my know Tel. No. 2	14b. Tel. No. 216-292 14d. Cell No. 216-287 o be fined in Internation	2-5683 7-1664 when petition and Union ballet.	216-2 146. e-l sified by a la Title (if eny) Sub-Distric Fax No. 21	292-5720 Meil pgallagher@usw.org poor organization)  1 Director

PRIVACY ACT STATEMENT

Sollicitation of the info mation on this form is authorized by the Na innat Labor Relations Act (NLRA), 29 U.S.C. § 151 at seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair is to practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, '1 Fed. Reg. 74942-43 (Dec. 13, 2006). The HLRB will further explain these uses upon request. Disclosure of this Information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to destine to invoke its processes.



# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 8 1240 E 9TH ST STE 1695 CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov Telephone: (216)522-3715 Fax: (216)522-2418

March 17, 2015

John Scheel Warren Steel Holdings LLC 4000 Mahoning Ave NW Warren, OH 44483-1924

Re: Warren Steel Holdings

Case 08-RC-147719

Dear Mr. Scheel:

This is to advise you that the Petitioner's request to withdraw the petition in the above case has been approved.

Very truly yours,

Allen Binstock Regional Director

allen Binstock

AB:cj

cc: Patrick Gallagher, Sub-District Director United Steel Paper & Forestry, Rubber, Manufacturing, Energy Allied Industrial & Service Workers International Union

25111 Miles Rd, Ste H

Warrensville Heights, OH 44128-5419

FORM NLRB-501 (9-07) FORM EXEMPT UNDER 44 U.S.C 3512

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

	TOTAL EXELENT TOTAL TRANSPORT
DO NOT WRITE	IN THIS SPACE
Case 9-CA-44441	Date Filed JUN 17, 2008

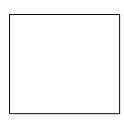
INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged

unfair labor practice occurred or is occurring.					
1. EMPLOYER AC	GAINST WHOM CHARGE IS BROUGHT				
a. Name of Employer		b. Number of workers employed			
		appx. 180			
Felman Production					
c. Address (Street, city, state, and ZIP code)	d. Employer Representative	e. Telephone No.			
4442 Graham station Road	James Zerkle	(304-882-1181			
Letart, W. Va. 25253	Janes Leikie	Fax No.			
		I() -			
f. Type of Establishment(factory, mine, wholesaler, etc.)  Factory	g. Identify principal product or service Metal Alloy				
<ul> <li>h. The above-named employer has engaged in and is engaging is subsections) (4) conserted activities</li> </ul>	-	tion 8(a), subsections (1) and (list or Relations Act, and these unfair labor			
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A		fair practices affecting commerce			
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor pr	actices)			
The Incident occurred on the [0](5.0)/2008 when (0)(6). under the OSHA Act Section 13 (a), Imminent Dan		acted upon their rights protected			
3. Full name of party filing charge (if labor organization, give full	name, including local name and number)				
United Steel Workers Local 5171	,,,,,,,,				
4a. Address (Street and number, city, state, and ZIP code)		4b. Telephone No.			
P.O. Box 67		()-304-675-4838			
Hartford ,W.Va. 25247	-	Fax No.			
<ol><li>Full name of national or international labor organization of whorganization)</li></ol>	lich it is an affiliate or constituent unit (to be filled	in when charge is filed by a labor			
United Steel Workers					
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.					
(signature of representative or person making charge)	1	(Printitype name and title or office, if any)			
(faix) (1) -					
Address R+1 Bux 199, Point Pleasant, WV -25550 () -304-675-4838 6/16/08					
	(Telephone N	lo.) (date)			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the imformation are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



**United States Government** 

## NATIONAL LABOR RELATIONS BOARD

Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, Ohio 45202-3271

August 6, 2008

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

Mr. Royal F. Martin President United Steel Workers Local 5171 P.O. Box 67 Hartford, WV 25247

> Re: Felman Production Case 9-CA-44441

Dear Mr. Martin:

This will acknowledge your request to withdraw the charge filed in the above-entitled matter. I have approved such withdrawal and the case is closed on our records.

Very truly yours,

Gary W. Muffley Regional Director

#### GWM/LGM/md

cc: Mr. James Zerkle, Felman Production, 4442 Graham Station Road, Letart, WV 25253

Mr. Riklin Brown, Attorney at Law, Bowles, Rice, McDavid, Graff & Love, 600 Quarrier Street, Charleston, WV 25301

Mr. Royal F. Martin, Route 1 Box 199, Point Pleasant, WV 25550

FORM NLRB-501 (9-07)

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

		TOTAL EXEMIT FORDER TY DID BOTZ
	DO NOT WRITE	IN THIS SPACE
Case		Date Filed
	9-CA-44442	JUN 17, 2008

INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged

unfair labor practice occurred or is occurring.					
1. EMPLOYER AC	SAINST WHOM CHARGE IS BROUGHT				
a. Name of Employer	b. Number of workers employed				
Felman Production		аррх. 180			
c. Address (Street, city, state, and ZIP code)	d. Employer Representative	e. Telephone No.			
4442 Graham Station Rd.	James Zerkle, Ben Anderson	(304-882-1181			
Letart, W. Va. 25253		Fax No.			
f. Type of Establishment (factory, mine, wholesaler, etc.)	g. Identify principal product or service	[() -			
Factory	Metal Alloy				
h. The above-named employer has engaged in and is engaging i	L	on 8(a), subsections (1) and (list			
subsections) (4) conserted activities	•	r Relations Act, and these unfair labor			
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A	-	air practices affecting commerce			
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor pra	ctices)			
The incident occurred on or about the week of	_				
harassed, intimidated, falsely written up after their p	participation in the OSHA investigation.	organon, and			
, , , , , ,					
3. Full name of party filing charge (if labor organization, give full	name, including local name and number)				
United Steel Workers Local 5171					
		4b. Telephone No.			
4a. Address (Street and number, city, state, and ZIP code)	1	•			
P.O. Box 67		()-304-675-4838			
Hartford W.Va. 25247		Fax No. ( ) -			
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor					
organization)					
United Steel Workers					
<ol> <li>DECLARATION</li> <li>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</li> </ol>					
The date that I have lead the above charge and	_				
(signature of representative or person making charge)  Royal FWW 97 to President  (Printhype name and title or office, if any)					
10 m m m m m m m m m m m m m m m m m m m					
(fax) () -					
Address R+1 Box 199 Point Plessent, WV 35550 ()-304-675-4838 6/18/08 (Telephone No.) (date)					
	(Telephone No	., (vaic)			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the imformation are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD MENDED CHARGE AGAINST EMPLOYER

FORW EXE	VIP I	OM	JER	44	U.S.C. 351
DO NOT WRITE	IN TH	lis	SPA	CE	THE TELL
9-CA-44442	Au	q.	21	,	2008

INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

the region in which the alleged unfair labor practice occurred or is		
	WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Number of workers employed
Felman Production		Approx. 180
		***************************************
c. Address (street, city, state, ZIP code)	d. Employer Representative	e. Telephone No.
4442 Graham Station Road	James Zerkle, Ben Anderson	(304) 882-1181
Letart, W V 25253		Fax No.
f. Type of Establishment (factory, mine, wholesaler, etc.)	g. Identify principal product or service	e
Factory	Metal Alloy	
unfair practices affecting commerce within the meaning of the Act, of Act and the Postal Reorganization Act.	the National Labor Relations Act, and to or these unfair labor practices affecting	hese unfair labor practices are commerce within the meaning of the
2. Basis of the Charge (set forth a clear and concise statement of the fa	acts constituting the alleged unfair labor	r practices)
On about January 23, 2008, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) threaten words to that effect, for engaging in protected concerted activities.  On about (b) (6), (b) (7)(C) 2008, the Employer issued a written was activities.	es by calling OSHA regarding safe	ty concerns at the Employer.
activities.		
On about (b) (6), (b) (7)(C) 2008, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and prolonged observation of (b) (6), (b) (7)(C) and criticized (c) (c) protected concerted activities.	performance of routine job function	engaged in unusually close as because engaged in
	•	
By the above and other acts, the above-named employer has interferights guaranteed in Section 7 of the Act.	ered with, restrained, and coerced er	mployees in the exercise of the
3. Full Name of party filing charge (if labor organization, give full name,	including local name and number)	
United Steelworkers of America, Local 5171, AFL-CIO-CLC		•
4a. Address (street and number, city, state and ZIP code)		4b. Telephone No.
P.O. Box 67		(304) 675-4838
Hartford, W V 25247		Fax No.
<ol><li>Full name of national or international labor organization of which it is by a labor organization.</li></ol>	an affiliate or constituent unit (to be fille	ed in when charge is filed
United Steelworkers of America, AFL-CIO-CLC		
·	CLARATION	
I declare that I have read the above charge and that the		knowledge and belief.
By Rand & Ruti	Title-	President
Signature of representative or person making charge Royal	F. Martin	
Address Route 1 Box 199	Fax No	Date 8-15-08
Point Pleasant, WV 25550	Telephone No. (304) 675-4838	Date V . C V 8

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



**United States Government** 

## **NATIONAL LABOR RELATIONS BOARD**

Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, Ohio 45202-3271

August 26, 2008

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

Mr. Royal F. Martin President United Steel Workers Local 5171 P.O. Box 67 Hartford, WV 25247

Mr. Ricklin Brown Attorney at Law Bowles, Rice, McDavid, Graff & Love 600 Quarrier Street P.O. Box 1386 Charleston, WV 25335

> Re: Felman Production Case 9-CA-44442

#### Gentlemen:

The Region has carefully considered the charge filed against Felman Production alleging it violated the National Labor Relations Act. As explained below, I have decided that further proceedings on that charge should be handled in accordance with the Board's deferral policy.

**Deferral Policy:** The Board's deferral policy provides that this Agency will withhold making a final determination on certain arguably meritorious unfair labor practice charges when a grievance involving the same issue can be processed under the grievance/arbitration provisions of the applicable contract. *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This policy is based, in part, on the preference that the parties should resolve certain issues through their contractual grievance procedure in order to achieve a prompt, fair and effective settlement of their dispute. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Regional Office will defer the charge. However, this policy requires that a charge be dismissed if the charging party thereafter fails to promptly file and attempt to process a grievance on the subject matter of the charge.

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on **the charge** to the grievance/arbitration process for the following reasons:

- 1. The charge alleges: The Employer violated Section 8(a)(1) of the Act by threatening employee (b) (6), (b) (7)(C) with retaliation on (b) (6), (b) (7)(C) 2008, issuing a written warning on (b) (6), (b) (7)(C) 2008 and engaging in unusually long and close observation and criticism of work on or about (b) (6), (b) (7)(C) 2008 all because engaged in protected concerted activities.
- 2. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
- 3. The Employer is willing to process a grievance concerning the above allegations in the charge and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
- 4. Since the above allegations in the charge appear to be covered by certain provisions of the collective-bargaining agreement, it is likely that such allegations may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and, under certain circumstances, will resume processing the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly file or submit the grievance to the grievance/arbitration process, or declines to have the grievance arbitrated if it is not resolved, I will dismiss the charge.

**Charged Party's Conduct**: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Inquiries and Requests for Further Processing: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. However, I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge for continued deferral of the charge or for issuance of a complaint.

**Notice to Arbitrator Form**: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

**Review of Arbitrator's Award**: If the grievance is arbitrated, the Charging Party may request that this office review the arbitrator's award. The request must be in writing and addressed to me. The request should discuss whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is clearly repugnant to the Act. Further guidance on the nature

of this review is provided in *Spielberg Mfg. Co.*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

**Your Right to Appeal:** The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

The appeal may be filed by regular mail addressed to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. A copy of the appeal should also be mailed to the Regional Director.

An appeal also may be filed electronically by using the E-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at <a href="https://www.nlrb.gov">www.nlrb.gov</a> and select the **E-Gov** tab and click on **E-Filing.** Scroll to the General Counsel's Office of Appeals. Select the type of document you wish to file electronically and you will navigate to detailed instructions on how to file an appeal electronically.

The appeal MAY NOT be filed by facsimile transmission.

Appeal Due Date: The appeal must be received by the General Counsel in Washington D.C. by the close of business at 5:00 p.m. (EDT) on September 9, 2008. If you mail the appeal, it will be considered timely filed if it is postmarked no later than one day before the due date set forth above. If you file the appeal electronically, it also must be received by the General Counsel by the close of business at 5:00 p.m. (ET) on September 9, 2008. A failure to timely file an appeal electronically will not be excused on the basis of a claim that transmission could not be accomplished because the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel, may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extension of time. A request for an extension of time to file an appeal must be received on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Further, we are required by the Federal Records Act to keep

copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of Appeal:** You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is mailed to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

Gary W. Muffley Regional Director

#### GWM/LGM/md

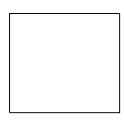
Enclosures (5)

cc: Mr. Royal F. Martin Route 1 Box 199 Point Pleasant, WV 25550

> Mr. James Zerkle Mr. Ben Anderson Felman Production 4442 Graham Station Road Letart, WV 25253

Mr. Gary W. Muffley Regional Director National Labor Relations Board, Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, OH 45202

Mr. Ronald Meisburg General Counsel National Labor Relations Board 1099 - 14th Street, N.W. Washington, D.C. 20570



**United States Government** 

## NATIONAL LABOR RELATIONS BOARD

Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, Ohio 45202-3271

February 3, 2009

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

Mr. Royal F. Martin President United Steel Workers Local 5171 P.O. Box 67 Hartford, WV 25247

> Re: Felman Production Case 9-CA-44442

Dear Mr. Martin:

This will acknowledge your request to withdraw the charge filed in the above-entitled matter. I have approved such withdrawal and the case is closed on our records.

Very truly yours,

Gary W. Muffley Regional Director

#### GWM/LGM/md

cc: Mr. James Zerkle, Mr. Ben Anderson, Felman Production, 4442 Graham Station Road, Letart, WV 25253

Mr. Ricklin Brown, Attorney at Law, Bowles, Rice, McDavid, Graff & Love, 600 Quarrier Street, P.O. Box 1386, Charleston, WV 25335

Mr. Royal F. Martin, Route 1 Box 199, Point Pleasant, WV 25550

FORM NLRB-501 (9-07) FORM EXEMPT UNDER 44 U.S.C 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case		Date Filed
	9-CA-44443	JUN 17, 2008

INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged

infair labor practice occurred or is occurring.			
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer		b. Number of workers employed	
		аррх. 180	
Felman Production		appr. 100	
Address (Otto de de de de 1710 de 1	Id Feelows Someon labor		
c. Address (Street, city, state, and ZIP code)	d. Employer Representative	e. Telephone No. (304-882-1181	
4442 Graham station Road	James Zerkle	Fax No.	
Letart, W. Va. 25253		( ) -	
f. Type of Establishment(factory, mine, wholesaler, etc.)	g. Identify principal product or service		
Factory	Metal Alloy		
h. The above-named employer has engaged in and is engaging i	n unfair labor practices within the meaning of sec	tion 8(a), subsections (1) and (list	
subsections) (4) conserted activities	of the National Labo	or Relations Act, and these unfair labor	
practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization A		fair practices affecting commerce	
within the meaning of the Act and the Postal Reorganization A	ICI.		
2. Basis of the Charge (set forth a clear and concise statement of	of the facts constituting the alleged unfair labor pro	actices)	
The Incident occurred on the 2008 appx. 60 d	ays after the OSHA time line expired Se	ection 11 (c) WBPP. When one	
of these (10,000) were discharged,after (10,000) known part			
It is the belief of this local it is a Direct result of thei	r participation in the investigation of an	incident, which occurred on the	
<sup>(b) (b), (b)</sup> /2008.			
		Ĭ	
		1	
3. Full name of party filing charge (if labor organization, give full	name, including local name and number)	j	
United Steel Workers Local 5171		Į.	
4a. Address (Street and number, city, state, and ZIP code)		4b. Telephone No. () - 304-675-4838	
P.O. Box 67		()-309-673-1838	
Hartford ,W.Va. 25247	- [	Fax No.	
	· ·	( ) -	
5. Full name of national or international labor organization of wh	ich it is an affiliate or constituent unit (to be filled i	n when charge is filed by a labor	
organization)			
United Steel Workers			
	6. DECLARATION		
I declare that, I have read the above charge and		my knowledge and belief.	
By Rayal & Praction		0 15 11 (0 1)	
(signature of representative or person making charge)	-	Royal F. Martin (Presided (Printitype name and title or office, if any)	
	Verice (028/2003)	(i integration and odd or onice, ii dily)	
Address R+1 Box 199 Point Pleasant V	(fax) () - ·	6/19/08	
MULES ITT DOX ITT FOINT FICESENT P		- SVI	
	(Telephone N	Uate)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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FORM NLRB-501

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED SHARGE AGAINST EMPLOYER

TOTAL CAL	VII 1 OINDER 44 0.0.0, 551
DO NOT WRITE	IN THIS SPACE
Case	Date Filed
9-CA-44443	Augs. 21, 2008

#### INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for

the region in which the aneged difficult labor practice occurred or is		
1. EMPLOYER AGAINST	WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Number of workers employed
Felman Production		
reman Froduction		Approx. 180
c. Address (street, city, state, ZIP code)	d. Employer Representative	e. Telephone No.
		•
4442 Graham Station Road	James Zerkle	(304) 882-1181
Letart, WV 25253	<b>!</b>	Fax No.
	a laboratific revisional aready at an appril	
f. Type of Establishment (factory, mine, wholesaler, etc.)	<ul> <li>g. Identify principal product or service</li> </ul>	3
Factory	Metal Alloy	
h. The above-named employer has engaged in and is engaging in unfa		section 8(a) subsections (1) and
(list subsections) of	he National Labor Relations Act, and t	age unfair labor practices are
(list subsections)	athere confeir leben maretines offertion	rese unian labor practices are
unfair practices affecting commerce within the meaning of the Act, of	r these unfair labor practices affecting	commerce within the meaning of the
Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the fa	cts constituting the alleged unfair labor	r practices)
	-	
	1 50.5	
On about [0](6), (0)(7)(6), 2008, the Employer discharged (b) (6), (b)	(7)(C) because of engaged in	protected concerted activities.
		•
· ·		
By the above and other acts, the above-named employer has interfu	ered with, restrained, and coerced en	nployees in the exercise of the
By the above and other acts, the above-named employer has interferingly a guaranteed in Section 7 of the Act	ered with, restrained, and coerced e	nployees in the exercise of the
By the above and other acts, the above-named employer has interferights guaranteed in Section 7 of the Act.	ered with, restrained, and coerced en	nployees in the exercise of the
rights guaranteed in Section 7 of the Act.		nployees in the exercise of the
rights guaranteed in Section 7 of the Act.		nployees in the exercise of the
rights guaranteed in Section 7 of the Act.  3. Full Name of party filing charge (if labor organization, give full name,		nployees in the exercise of the
rights guaranteed in Section 7 of the Act.		nployees in the exercise of the
rights guaranteed in Section 7 of the Act.  3. Full Name of party filing charge (if labor organization, give full name, United Steelworkers of America, Local 5171, AFL-CIO-CLC		
rights guaranteed in Section 7 of the Act.  3. Full Name of party filing charge (if labor organization, give full name,		nployees in the exercise of the  4b. Telephone No.
rights guaranteed in Section 7 of the Act.  3. Full Name of party filing charge (if labor organization, give full name, United Steelworkers of America, Local 5171, AFL-CIO-CLC  4a. Address (street and number, city, state and ZIP code)		4b. Telephone No.
rights guaranteed in Section 7 of the Act.  3. Full Name of party filing charge (if labor organization, give full name, United Steelworkers of America, Local 5171, AFL-CIO-CLC  4a. Address (street and number, city, state and ZIP code) P.O. Box 67		4b. Telephone No. (304) 675-4838
rights guaranteed in Section 7 of the Act.  3. Full Name of party filing charge (if labor organization, give full name, United Steelworkers of America, Local 5171, AFL-CIO-CLC  4a. Address (street and number, city, state and ZIP code)		4b. Telephone No.
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rights guaranteed in Section 7 of the Act.  3. Full Name of party filing charge (if labor organization, give full name, United Steelworkers of America, Local 5171, AFL-CIO-CLC  4a. Address (street and number, city, state and ZIP code) P.O. Box 67 Hartford, WV 25247	ncluding local name and number)	4b. Telephone No. (304) 675-4838 Fax No.
rights guaranteed in Section 7 of the Act.  3. Full Name of party filing charge (if labor organization, give full name, United Steelworkers of America, Local 5171, AFL-CIO-CLC  4a. Address (street and number, city, state and ZIP code) P.O. Box 67 Hartford, WV 25247  5. Full name of national or international labor organization of which it is	ncluding local name and number)	4b. Telephone No. (304) 675-4838 Fax No.
rights guaranteed in Section 7 of the Act.  3. Full Name of party filing charge (if labor organization, give full name, United Steelworkers of America, Local 5171, AFL-CIO-CLC  4a. Address (street and number, city, state and ZIP code) P.O. Box 67 Hartford, WV 25247  5. Full name of national or international labor organization of which it is by a labor organization.	ncluding local name and number)	4b. Telephone No. (304) 675-4838 Fax No.
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WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



### NATIONAL LABOR RELATIONS BOARD

Region 9
3003 John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271

August 26, 2008

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

Mr. Royal F. Martin President United Steel Workers Local 5171 P.O. Box 67 Hartford, WV 25247

Mr. Ricklin Brown Attorney at Law Bowles, Rice, McDavid, Graff & Love 600 Quarrier Street P.O. Box 1386 Charleston, WV 25335

> Re: Felman Production Case 9-CA-44443

### Gentlemen:

The Region has carefully considered the charge filed against Felman Production alleging it violated the National Labor Relations Act. As explained below, I have decided that further proceedings on that charge should be handled in accordance with the Board's deferral policy.

**Deferral Policy:** The Board's deferral policy provides that this Agency will withhold making a final determination on certain arguably meritorious unfair labor practice charges when a grievance involving the same issue can be processed under the grievance/arbitration provisions of the applicable contract. *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This policy is based, in part, on the preference that the parties should resolve certain issues through their contractual grievance procedure in order to achieve a prompt, fair and effective settlement of their dispute. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Regional Office will defer the charge. However, this policy requires that a charge be dismissed if the charging party thereafter fails to promptly file and attempt to process a grievance on the subject matter of the charge.

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on **the charge** to the grievance/arbitration process for the following reasons:

- 1. The charge alleges: The Employer violated Section 8(a)(1) of the Act on or about 2008, by discharging employee (b) (6), (b) (7)(C) because engaged in protected concerted activities.
- 2. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
- 3. The Employer is willing to process a grievance concerning the above allegations in the charge and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
- 4. Since the above allegations in the charge appear to be covered by certain provisions of the collective-bargaining agreement, it is likely that such allegations may be resolved through the grievance/arbitration procedure.

*Further Processing of the Charge:* As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and, under certain circumstances, will resume processing the charge.

Charging Party's Obligation: Under the Board's Collyer deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly file or submit the grievance to the grievance/ arbitration process, or declines to have the grievance arbitrated if it is not resolved, I will dismiss the charge.

*Charged Party's Conduct:* If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

*Inquiries and Requests for Further Processing*: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. However, I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge for continued deferral of the charge or for issuance of a complaint.

**Notice to Arbitrator Form**: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

**Review of Arbitrator's Award**: If the grievance is arbitrated, the Charging Party may request that this office review the arbitrator's award. The request must be in writing and addressed to me. The request should discuss whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the

arbitrator, and whether the award is clearly repugnant to the Act. Further guidance on the nature of this review is provided in *Spielberg Mfg. Co.*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

**Your Right to Appeal:** The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

The appeal may be filed by regular mail addressed to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. A copy of the appeal should also be mailed to the Regional Director.

An appeal also may be filed electronically by using the E-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at <a href="https://www.nlrb.gov">www.nlrb.gov</a> and select the **E-Gov** tab and click on **E-Filing.** Scroll to the General Counsel's Office of Appeals. Select the type of document you wish to file electronically and you will navigate to detailed instructions on how to file an appeal electronically.

The appeal MAY NOT be filed by facsimile transmission.

Appeal Due Date: The appeal must be received by the General Counsel in Washington D.C. by the close of business at 5:00 p.m. (EDT) on September 9, 2008. If you mail the appeal, it will be considered timely filed if it is postmarked no later than one day before the due date set forth above. If you file the appeal electronically, it also must be received by the General Counsel by the close of business at 5:00 p.m. (ET) on September 9, 2008. A failure to timely file an appeal electronically will not be excused on the basis of a claim that transmission could not be accomplished because the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel, may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extension of time. A request for an extension of time to file an appeal must be received on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held

before an administrative law judge. Further, we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of Appeal:** You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is mailed to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

Gary W. Muffley Regional Director

#### GWM/LGM/md

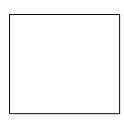
Enclosures (5)

cc: Mr. Royal F. Martin Route 1 Box 199 Point Pleasant, WV 25550

> Mr. James Zerkle Felman Production 4442 Graham Station Road Letart, WV 25253

Mr. Gary W. Muffley Regional Director National Labor Relations Board, Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, OH 45202

Mr. Ronald Meisburg General Counsel National Labor Relations Board 1099 - 14th Street, N.W. Washington, D.C. 20570



## NATIONAL LABOR RELATIONS BOARD

Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, Ohio 45202-3271

February 3, 2009

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

Mr. Royal F. Martin President United Steel Workers Local 5171 P.O. Box 67 Hartford, WV 25247

> Re: Felman Production Case 9-CA-44443

Dear Mr. Martin:

This will acknowledge your request to withdraw the charge filed in the above-entitled matter. I have approved such withdrawal and the case is closed on our records.

Very truly yours,

Gary W. Muffley Regional Director

### GWM/LGM/md

cc: Mr. James Zerkle, Mr. Ben Anderson, Felman Production, 4442 Graham Station Road, Letart, WV 25253

Mr. Ricklin Brown, Attorney at Law, Bowles, Rice, McDavid, Graff & Love, 600 Quarrier Street, P.O. Box 1386, Charleston, WV 25335

Mr. Royal F. Martin, Route 1 Box 199, Point Pleasant, WV 25550

FORM EXEMPT UNDER 44 U.S.C 3512

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case 9-CA-44618	Date Filed SEP 24, 2008	

**INSTRUCTIONS:** 

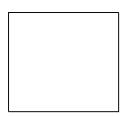
unfair labor practice occurred or is occur			
	1. EMPLOYER	R AGAINST WHOM CHARGE IS BRO	
Name of Employer     Felman Productions			b. Number of workers employed app. 100
c. Address (Street, city, state, and ZI	P code)	d. Employer Representative  Meredith	e. Telephone No.
4442 Graham Station Road		Marker	(304)882-1181 Fax No.
Letart	WV 25253-	Human Resources	(304)882-3853
f. Type of Establishment (factory, minifactory	e, wholesaler, etc.)	g. Identify principal product or service ferro alloys	
h. The above-named employer has en subsections) (3)	ngaged in and is engag		ning of section 8(a), subsections (1) and (list titional Labor Relations Act, and these unfair labor
* *************************************		aning of the Act, or these unfair labor practi	ces are unfair practices affecting commerce within
2. Basis of the Charge (set forth a cle	ear and concise statem	ent of the facts constituting the alleged unfa	air labor practices)
- '			·
collective bargaining agreement (b) (6), (b) (7)(C	between the Employe	mployer disciplined (b) (6), (b) (7)(C) be and United Steelworkers of Americ	a, Local 5171.
On or abou(b) (6), (b) (1)(C)(2008,	the Employer, throu	gh(b) (6), (b) (7)(C), threatened to te	erminate an employee if the employee refused
to sign a last chance agreement a	nd continued with th	e grievance process.	
			•
•			
3. Full name of party filing charge (if (b) (6), (b) (7)(C)	labor organization, give	e full name, including local name and numb	er)
4a. Address (Street and number, city (b) (6), (b) (7)(C)	, state, and ZIP code)		4b. Telephone No. (b) (6), (b) (7)(C)
		(b) (6), (b) (7)(C)	Fax No.
Full name of national or internation organization)	nal labor organization o	of which it is an affiliate or constituent unit (	to be filled in when charge is filed by a labor
		6. DECLARATION	
(b) (6) (b) (7)		e and that the statements are true to the	ne best of my knowledge and belief.
By (D) (O), (D) (7)(C) Individual			
•	пакту спатуе)		(Print/type name and title or office, if any)
(b) (6), (b) (7)(C)	(b) (6),	(b) (7)(C) (fax) (b) (b) (b) (c)	(7)(0)
Address		(b) (7)(C)	(A)(C) 09 23 08
Address		(2) (3); (2)	Telephone No.) (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

### PRIVACY ACT STATEMENT

(b) (6), (b) (7)(C)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



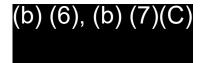
### NATIONAL LABOR RELATIONS BOARD

Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, Ohio 45202-3271

November 24, 2008

Telephone: (513) 684-3686

Facsimile: (513) 684-3946



Re: Felman Productions Case 9-CA-44618

> United Steelworkers of America, District 8, Sub-District 6 and its Local 5171 (Felman Productions) Case 9-CB-12044

Dear (b) (6), (b) (7)(C)

This will acknowledge your request to withdraw the charges filed in the above-entitled matter. I have approved such withdrawal and these cases are closed on our records.

Very truly yours,

Gary W. Muffley Regional Director

### GWM/EJG/md

cc: Mr. Alan Sampson, Sub-Director, United Steelworkers of America, District 8, Sub-District 6 and its Local 5171, 642 Brady Street, Barboursville, WV 25504

Ms. Meredith Marker, Human Resources, Felman Productions, 4442 Graham Station Road, Letart, WV 25253

Mr. Riklin Brown, Attorney at Law, Bowles, Rice, McDavid, Graff & Love, 600 Quarrier Street, P.O. Box 1386, Charleston, WV 25335

INTERNET FORM NLRB-501 (2-08)

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

FORM	EXEMPT	UNDER	44	U.S.C	351	12

Case Date Filed
9-CA-44818 March 2, 2009

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT b. Tel. No. 304-882-1181 a. Name of Employer Felman Production Inc. c. Cell No. f. Fax No. e. Employer Representative d. Address (Street, city, state, and ZIP code) Steve Pragnell Rt.3 P.O. Box 127 g. e-Mail Letart, WV. 25253 Denis DolzHikov h. Number of workers employed approx. 168 i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Steel Alloy Factory k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Unilateral Implementation of Company Policy on or about; September 02, 2008, October 06, 2008, January 20, 2009, February 03, 2009, and February 10, 2009. Full name of party filing charge (if labor organization, give full name, including local name and number)
 United Steel Workers Local 5171 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (b) (6), (b) (7)(C) 4c. Cell No. 4d. Fax No. 4e. e-Mail 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor United Steel, Paper, and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers Int. Union 6. DECLARATION (b) (6), (b) (7)(C) narge and that the statements are true to the best of my knowledge and belief. Office, if any, Cell No. (b) (6), (b) (7)(C) USW Local 5171 naking charge) (Print/type name and title or office, if any) Fax No e-Mail 2127109 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



# NATIONAL LABOR RELATIONS BOARD

Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, Ohio 45202-3271

March 31, 2009

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
USW Local 5171
United Steelworkers Local 5171
(b) (6), (b) (7)(C)

Re: Felman Production Inc. Case 9-CA-44818

Dear (b) (6), (b) (7)(C)

The Region has carefully investigated and considered your charge against <u>Felman Production Inc.</u> alleging violations under Section 8 of the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

The basic requirement of a party filing a charge with the National Labor Relations Board is that the party must furnish sufficient evidence to establish that a prima facie violation of the Act has been committed. Since you did not submit any evidence in support of your charge, a prima facie violation of the Act has not been established.

Your Right to Appeal: The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

The appeal may be filed by regular mail addressed to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. A copy of the appeal should also be mailed to the Regional Director.

An appeal also may be filed electronically by using the E-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at <a href="www.nlrb.gov">www.nlrb.gov</a> and select the **E-Gov** tab and click on **E-Filing.** Scroll to the General Counsel's Office of Appeals. Select the type of document you wish to file electronically and you will navigate to detailed instructions on how to file an appeal electronically.

The appeal MAY NOT be filed by facsimile transmission.

Appeal Due Date: The appeal must be received by the General Counsel in Washington, D. C. by the close of business at 5:00 p.m. [EST or EDT, as appropriate] on April 14, 2009, unless electronically filed. If you mail the appeal, it will be considered timely if it is postmarked no later than one day before the due date. If you file the appeal electronically it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished no later than 11:59 p.m. Eastern Time on the due date.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel, may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extension of time. A request for an extension of time to file an appeal must be received on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

Confidentiality/Privilege: Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Further, we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of Appeal:** You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is mailed to the General Counsel,

please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

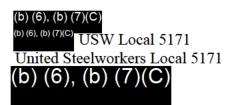
Laura E. Atkinson Acting Regional Director

### LEA/DJS/md

### Attachments (5)

cc: Mr. Steve Pragnell
Denys DolzHikov
Felman Production Inc.
Route 3, P.O. Box 127
Letart, WV 25253

Mr. Ricklin Brown Attorney at Law Bowles, Rice, McDavid, Graff & Love 600 Quarrier Street P.O. Box 1386 Charleston, WV 25335



Mr. Gary W. Muffley Regional Director National Labor Relations Board, Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, OH 45202

Mr. Ronald Meisburg General Counsel National Labor Relations Board 1099 - 14th Street, N.W. Washington, D.C. 20570



### UNITED STATES GOVERNMENT

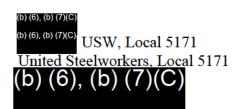
### NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

April 27, 2009

Re: Felman Production Inc. Case No. 9-CA-44818



Dear (b) (6), (b) (7)(C)

Your appeal has been carefully considered. The appeal is denied substantially for the reasons set forth in the Acting Regional Director's letter of March 31, 2009. As a charging party under the National Labor Relations Act, you are required to fully cooperate with the Regional Office's investigation of the unfair labor practice charge, and expeditiously respond to their requests. In the instant matter, you failed to return the Board agent's phone calls and to submit evidence in support of the charge. Inasmuch as you have not explained why you failed to cooperate with the Agency's investigation of your charge, we have no alternative but to deny your appeal. Accordingly, and since insufficient evidence of a prima facie case was presented, further proceedings are unwarranted.

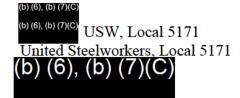
Sincerely,

Ronald Meisburg General Counsel

By\_\_\_\_\_\_\_Yvonne T. Dixon, Director

Office of Appeals

cc: Gary Muffley, Regional Director National Labor Relations Board John Weld Peck Federal Bldg. 550 Main Street, Room 3003 Cincinnati, OH 45202



Steve Pragnell Denys DolzHikov Felman Production Inc. Route 3, P.O. Box 127 Letart, WV 25253

mab

Ricklin Brown, Attorney at Law Bowles, Rice, McDavid, Graff & Love 600 Quarrier Street P.O. Box 1386 Charleston, WV 25335 FORM NLRB-501 (2-08)

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case		Date Filed
	9-CA-45189	SEPT 23, 2009

INCTOIL	CTIONS:	

File an original with NLRB Regional Director for the region in which th	e alleged unfair labor practice occurred or is occurrir	ıg.
	GAINST WHOM CHARGE IS BROUGHT	
a Name of Employer Felman Productions Inc		b Tel No. (304)882-1181 c Cell No
d Address (Street, city, state, and ZIP code)	e. Employer Representative	( ) - f. Fax No. (304)882-3853
4442 Graham Station Road	Steven Pragnell	g e-Mail
Letart WV 25253-	СЕО	h. Number of workers employed
Type of Establishment (factory, mine, wholesaler, etc.) factory	j. Identify principal product or service matel alloys	
k. The above-named employer has engaged in and is engaging	in unfair labor practices within the meaning of sec	tion 8(a), subsections (1) and (list
subsections) (5)  practices are practices affecting commerce within the meaning within the meaning of the Act and the Postal Reorganization is	g of the Act, or these unfair labor practices are un	or Relations Act, and these unfair labor fair practices affecting commerce
2. Basis of the Charge (set forth a clear and concise statement	of the facts constituting the alleged unfair labor pro	actices)
Since on or about September 9, 2009, the above-na Union in violation of the Act.	med Employer subcontracted bargaining un	it work without bargaining with the
3 Full name of party filing charge (if labor organization, give full (b) (6), (b) (7)(C)	name, including local name and number)	
4c. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4a. Tel No. (b) (6), (b) (7)(C)
		(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(	( ) -
		4e e-Mail Local5171@yahoo com
5 Full name of national or international labor organization of whorganization) United Steelworkers Local 5171	nich it is an affiliate or constituent unit (to be filled i	n when charge is filed by a labor
6. DECLARATION I declare that I have read the above charge and that the statements	are true to the best of my knowledge and belief.	Tel. No. (b) (6), (b) (7)(C)
(b) (6), (b) $(7)(C)$	<u>l</u>	Office, if any, Cell No
(b) (6) (b) (7)(C)	Print/Type name and title or office, if any)	Fax No
(b) (6), (b) (7)(C)		( ) - e-Mail
Address	09 /17 2009 (date)	Local 5171@yahoo com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *ef seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is available, boundary, failure to supply the information will cause the NLRB representation.



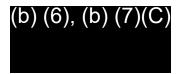
### **NATIONAL LABOR RELATIONS BOARD**

Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, Ohio 45202-3271

November 23, 2009

Telephone: (513) 684-3686

Facsimile: (513) 684-3946



Re: Felman Productions Inc. Case 9-CA-45189

Dear (b) (6), (b) (7)(C)

The Region has carefully investigated and considered your charge against Felman Productions Inc. alleging violations under Section 8 of the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

The basic requirement of a party filing a charge with the National Labor Relations Board is that the party must furnish sufficient evidence to establish that a prima facie violation of the Act has been committed. Since you did not submit any evidence in support of your charge, a prima facie violation of the Act has not been established.

Dismissal of this charge does not mean that you are foreclosed from filing the charge again if or when you are able to cooperate with an investigation. You are reminded, however, that Section 10(b) of the Act prohibits the processing of any charge which has not been filed and served upon the Charged Party within 6 months of the alleged unfair labor practices. Furthermore, in the event that you decide to file a charge, Section 102.14 of the Board's Rules and Regulations states that the responsibility is yours to timely and promptly serve a copy of the charge on the person against whom such charge is made. Instructions concerning proper and timely service are attached as Attachment A.

Your Right to Appeal: The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

*Means of Filing:* An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal <u>MAY NOT</u> be filed by fax. To file an appeal electronically, go to the Agency's website at <u>www.nlrb.gov</u>, click on **E-GOV**, select **E-Filing**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14<sup>th</sup> Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date and Time: The appeal is due on <u>December 7, 2009</u>. If you file the appeal electronically, it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the General Counsel in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than <u>one day before the due date set forth above</u>.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to <a href="https://www.nlrb.gov">www.nlrb.gov</a>, click on **E-Gov**, select **E-Filing**, and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before the original appeal due date**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality/Privilege: Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Because we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(d), 5 U.S.C. § 552(b)(4), (6), (7)(C), and (7)(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

*Notice to Other Parties of Appeal:* You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

Gary W. Muffley Regional Director

### GWM/NRC/md

Attachments (4)

cc: Mr. Steven Pragnell
CEO
Felman Productions Inc.
4442 Graham Station Road
Letart, WV 25253

Mr. Riklin Brown Attorney at Law Bowles, Rice, McDavid, Graff & Love LLP 600 Quarrier Street P.O. Box 1386 Charleston, WV 25335

Mr. Gary W. Muffley Regional Director National Labor Relations Board, Region 9 3003 John Weld Peck Federal Building 550 Main Street Cincinnati, OH 45202

Mr. Ronald Meisburg General Counsel National Labor Relations Board 1099 - 14th Street, N.W. Washington, D.C. 20570 Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE
Case Date Filed

09-CA-147432 March 3, 2015

	Director in which the alleged unfair labor practice of	
	EMPLOYER AGAINST WHOM CHARGE IS BROU	
a. Name of Employer	b. Tel. No.	
FELMAN PRODUCTION LLC		(304)882-1181
	c. Cell No.	
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.
4442 GRAHAM STATION RD		
LETART, WV 25253-8701		g. e-Mail
LETAKT, WV 20200-0101		3. 0.000
	1	h. Dispute Location (City and State)
		LETART, WV
i. Type of Establishment (factory, nursing home,	I. Principal Product or Service	k. Number of workers at dispute location
hotel)	J. Findipar Flodoct of Service	135
•	STEEL	155
MANXUFACTURER		B( ) he sales (1) - 4(5) -
i. The above-named employer has engaged in and	is engaging in unfair labor practices within the men	sning of section o(a), subsections (1) and (5) of
	labor practices are practices affecting commerce w	
labor practices are untair practices affecting comm	nerce within the meaning of the Act and the Postal F se statement of the facts constituting the alleged un	Reorganization Act.
2. Basis of the Charge (set form a clear and conci.	se statement of the facts constituting the elieged un	rair labor practices)
Since about January 28, 2015, the about	ove-named Employer has failed and refus	sed to provide the Union with the
information that has been requested.		
unormation that has been requested.		
3. Full name of party filing charge (If labor organization)	ation, give full name. Including local name and num	ber)
UNITED STEEL WORKERS OF AME	DICA LOCAL 5171	
		4b. Tel. No.
4a. Address (street and number, city, state, and Z	191 191 1191	
63 HOSPITALITY LANE, UNIT 105		(304)593-6407
MINERAL WELLS, WV 26150		4c. Cell No.
		44 5 No
		4d. Fax No.
		4e. e-Mall
		,
		rmartin@usw.org
	nization of which it is an affiliate or constituent unit (	to be filled in when charge is filed by a labor
organiz <b>ation</b> )	•	
6. DECLARATION		Tel. No.
I declare that I have read the above charge a	ind that the statements are true to the bost of	(304)593-6407
my knowledge and belief.		(30 )/
200 120 4	ROYAL MARTIN	Office, If any, Cell No.
By: / Caral	STAFF REPRESENTATIVE	
(signature of representative or person making c		Fax No. 304.489-2717
(organization of representative of person making C	and the same and two	204.489.2717
00110001741177716417	105 Date: 3-3-15	- Mail
Address: 63 HOSPITALITY LANE, UNIT		e-Mail
MINERAL WELLS, WV 26150		rmartin@usw.org

# WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE. TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfuir labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-1290653065

REGION 9 550 MAIN ST RM 3003 CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov Telephone: (513)684-3686 Fax: (513)684-3946

March 31, 2015

FELMAN PRODUCTION LLC 4442 GRAHAM STATION RD LETART, WV 25253-8701

> Re: FELMAN PRODUCTION LLC Case 09-CA-147432

Dear Sir or Madam:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Garey Edward Lindsay

Garey Edward Lindsay Regional Director

cc: ROYAL MARTIN
STAFF REPRESENTATIVE
UNITED STEEL WORKERS OF AMERICA,
LOCAL 5171
63 HOSPITALITY LANE, UNIT 105
MINERAL WELLS, WV 26150

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

(C-9-CA-446/8) OR ITS AGENTS

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
9-CB-12044	SEP 24, 2008	

INSTRUCTIONS: File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

Director for the region in which the	alleged unfair labor practice of	occurred or is occurring.		
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT				
			Union Representative to contact (6), (b) (7)(C)	
c. Telephone No.	d. Address (Street, city, state, and ZIP code)			
(304)733-3784 Fax No. (304)733-5692	642 Brady Street			
	Barboursville WV 25504-		WV 25504-	
e. The above-named organization(s) or its agents has (have)engaged in and is (are)engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A)				
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)				
On or about (b)(6), (b)(7)(c) 2008, the above-named labor organization, through (b)(6), (b)(7)(c), violated its duty to fairly represent (b)(6), (b)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (b)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c) by agreeing to a last chance agreement regarding (c)(6), (c)(7)(c)(6), (c)(7)(c)(7)(c)(6), (c)(7)(c)				
3. Name of Employer			4. Telephone No.	
Felman Productions			(304)882-1181	
			Fax No.	
			(304)882-3853	
5. Location of plant involved (street, city, state and ZIP code) 4442 Graham Station Road			Employer representative to contain     Meredith Marker	act
Letart	N 74.5	WV. 25253-	Human Resources	
Type of establishment (factory, mi	ne wholesaler etc.)	Identify principal product or service	e 9. Number of workers employed	
factory	ne, wholosaisi, sis.,	ferro alloys	e   or manager or monder or manager	
10 Full research filler shows				
10. Full name of party filing charge (b) (6), (b) (7)(C)				
11. Address of party filing charge (street, city, state and ZIP code. (b) (6), (b) (7)(C)			(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	Fax IVO.	
			[() -	
(b) (C) (b) (7		3. DECLARATION	past of my knowledge and heliaf	
B(b) (6), (b) (7)(C) bove charge and that the statements therein are true to the best of my knowledge and belief.  Individual				
(Signature of representative or perso	(Print/type name and title or office,	if any)		
(b) (6), (b) (7)(C)				
Address (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)				08
			(relephone No.) (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

(b) (6), (b) (7)(C)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.